Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: May 27, 2008

Name of Applicant: MR Asphalt, Inc.

Source: Batch-Mix Asphalt Plant

Proposed Action: The Department of Environmental Quality (Department) proposes to issue a permit, with conditions, to the above-named applicant. The application was assigned Permit Application Number 4215-00.

Proposed Conditions: See attached.

Public Comment: Any member of the public desiring to comment must submit such comments in writing to the Air Resources Management Bureau (Bureau) of the Department at the above address. Comments may address the Department's analysis and determination, or the information submitted in the application. In order to be considered, comments on this Preliminary Determination are due by June 11, 2008. Copies of the application and the Department's analysis may be inspected at the Bureau's office in Helena. For more information, you may contact the Department.

Departmental Action: The Department intends to make a decision on the application after expiration of the Public Comment period described above. A copy of the decision may be obtained at the above address. The permit shall become final on the date stated in the Department's Decision on this permit, unless an appeal is filed with the Board of Environmental Review (Board).

Procedures for Appeal: Any person jointly or severally adversely affected by the final action may request a hearing before the Board. Any appeal must be filed by the date stated in the Department's Decision on this permit. The request for a hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. Submit requests for a hearing in triplicate to: Chairman, Board of Environmental Review, P.O. Box 200901, Helena, MT 59620.

For the Department,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

Julie Merkel
Air Quality Specialist
Air Resources Management Bureau
(406) 444-3626

VW: JM
Enclosures

AIR QUALITY PERMIT

Issued To: MR Asphalt, Inc
174 Black Lane
Corvallis, MT 59828

Permit: #4215-00
Application Complete: 04/21/08
Preliminary Determination Issued: 05/27/08
Department's Decision Issued:
Permit Final:
AFS #: 777-4215

An air quality permit, with conditions, is hereby granted to MR Asphalt, Inc (MR) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq*., as amended, for the following:

SECTION I: Permitted Facilities

A. Permitted Equipment

MR proposes to operate a portable batch-mix asphalt plant and associated equipment. A complete list of permitted equipment is contained in Section I.A of the Permit Analysis to Permit #4215-00.

B. Plant Location

The legal description of the initial location of the permitted MR facility is the SW¼ of Section 30, Township 7 North, and Range 20 West, in Ravalli County. Permit #4215-00 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana*. An addendum will be required for locations in or within 10 km of certain PM_{10} nonattainment areas.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. Asphalt plant particulate matter (PM) emissions shall be limited to 0.04 grains per dry standard cubic feet (gr/dscf) (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

2. MR shall not cause or authorize to be discharged into the atmosphere from the asphalt plant operations any stack emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

3. MR shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

4. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.3 (ARM 17.8.749).

5. MR shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).

6. MR shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).

7. A fabric-filter baghouse for particulate matter air pollution control, with a device to measure the pressure drop (magnehelic gauge, manometer, etc.), shall be installed, operated, and maintained on the asphalt drum mix dryer. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained (ARM 17.8.752).

8. Asphalt production shall be limited to 477,750 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).

9. Operation of the batch-mix asphalt dryer shall not exceed 2275 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).

10. Once a stack test is performed, the asphalt production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).

11. If the permitted equipment is used in conjunction with any other equipment owned or operated by MR, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

12. MR shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart I – Standards of Performance for Hot Mix Asphalt Facilities (ARM 17.8.340 and 40 CFR 60, Subpart I).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an initial Environmental Protection Agency (EPA) Methods 1-5 and 9 source test(s) shall be performed on any New Source Performance Standards (NSPS) affected equipment at the asphalt plant to demonstrate compliance with the applicable emission limit(s) in Section II.A.1, Section II.A.2, and Section II.A.3, respectively. NSPS affected equipment at the MR facility would include any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, which were constructed, reconstructed, or

modified after June 11, 1973. After the initial source test, testing shall continue on an every 4-year basis or according to another testing/monitoring schedule as may be approved by the Department in writing (ARM 17.8.105, ARM 17.8.749, and 40 CFR 60, Subpart A and Subpart I).

2. Pressure drop on the baghouse control device and process temperature must be recorded daily and kept on site according to Section II.C.4 (ARM 17.8.749).

3. Pressure drop on the baghouse control device and process temperature must be recorded during the compliance source test and reported as part of the test results (ARM 17.8.749).

4. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

5. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this plant is moved to another location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.749 and ARM 17.8.765).

2. MR shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. MR shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include ***the addition of a new emissions unit***, change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation. The notice must be submitted to the Department, in writing, 10 days prior to startup or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(l)(d) (ARM 17.8.745).

4. MR shall maintain on-site records showing daily hours of operation and daily production rates and daily pressure drop and temperature readings for the last 12 months. The records compiled in accordance with this permit shall be maintained by MR as a permanent business record for at least 5 years following the date of the

measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).

5. MR shall document, by month, the asphalt production from the facility. By the 25th day of each month, MR shall calculate the asphalt production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

6. MR shall document, by month, the hours of operation of the facility. By the 25th day of each month, MR shall calculate the asphalt production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.9. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

7. MR shall annually certify that its emissions are less than those that would require the facility to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

D. Notification

1. Within 30 days of commencement of construction of any NSPS-affected equipment, MR shall notify the Department of the date of commencement of construction of the affected equipment. NSPS affected equipment at the MR facility would include any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot-mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, which were constructed, reconstructed, or modified after June 11, 1973 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart I).

2. Within 15 days of the actual start-up date of any NSPS-affected equipment, MR shall submit written notification to the Department of the initial start-up date of the affected equipment. NSPS affected equipment at the MR facility would include any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, which were constructed, reconstructed, or modified after June 11, 1973 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart I).

3. Within 15 days of the actual start-up date of any non-NSPS affected equipment, MR shall submit written notification to the Department of the initial start-up date of the affected equipment (ARM 17.8.749).

SECTION III: General Conditions

A. Inspection – MR shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

B. Waiver – The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if MR fails to appeal as indicated below.

C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving MR of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for in ARM 17.8.740, *et seq*. (ARM 17.8.756)

D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq*., MCA.

E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.

F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

G. Permit Fee – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by MR may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.

H. Construction Commencement – Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked (ARM 17.8.762).

I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.

J. MR shall comply with the conditions contained in this permit while operating in any location in Montana, except within those areas that have a Department-approved permitting program.

Permit Analysis
MR Asphalt, Inc
Permit #4215-00

I. Introduction/Process Description

A. Permitted Equipment

MR Asphalt, Inc (MR) owns and operates a portable batch-mix asphalt plant with a maximum production capacity of 210 tons per hour (TPH). The plant includes 4 cold feed hoppers a charge conveyor, an aggregate dryer; a bucket elevator, a batch tower, slat conveyor, storage silo, primary fines collector, baghouse and associated equipment.

B. Source Description

For a typical operational set-up, crushed rock is loaded and metered onto the conveyor belt, where it is conveyed to the dryer. Material is dried and heated to approximately 330 degrees Farenheit (ºF). The dry, hot aggregate, is then elevated to the top of the batch tower where it is screened and separated into hot bins. Predetermined weights of sized aggregate are dropped into the weigh-hopper and then into a pugmill where it is mixed with liquid asphalt and discharged into a truck or the slat conveyor which transport the hot asphalt to the storage silo. The asphalt remains in the asphalt silo until it is loaded into trucks for transport to a given job location.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq*., Montana Code Annotated (MCA).

MR shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test

methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.

5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM_{10}

MR must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, MR shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.

4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.

5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.

6. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). This facility is an NSPS-affected facility under 40 CFR Part 60, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities), because the facility includes NSPS affected equipment.

D. ARM 17.8, Subchapter 5 – Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. MR submitted the appropriate permit application fee for the current permit action.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

   An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7 – Permit, Construction, and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit alteration to construct, alter, or use any asphalt plant, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. MR has a PTE greater than 15 tons per year of particulate matter (PM), particulate matter with an aerodynamic diameter of less than 10 microns (PM_{10}), oxides of nitrogen (NO_x), carbon monoxide (CO), sulfur dioxide (SO_2) and volatile organic compounds (VOC); therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.

4. ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.

5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation,

alteration, or use of a source. MR submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. MR submitted an affidavit of publication of public notice for the April 17, 2008 issue of the *Ravalli Republic*, a newspaper of general circulation in the city of Hamilton and Ravalli County, as proof of compliance with the public notice requirements.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.

8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving MR of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*.

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.

11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives

another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.

2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and the facility's PTE is less than 250 tons per year of any pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:

a. PTE > 100 tons/year of any pollutant;

b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or

c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) in a serious PM_{10} nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #4215-00 for MR, the following conclusions were made.

a. The facility's PTE is less than 100 tons/year for any pollutant.

b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.

c. This source is not located in a serious PM_{10} nonattainment area.

d. This facility is subject to a current NSPS (40 CFR 60, Subpart I).

e. This facility is not subject to any current NESHAP standards.

f. This source is not a Title IV affected source or a solid waste combustion unit.

g. This source is not an EPA designated Title V source.

Based on these facts, the Department has determined that MR will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, MR will be required to obtain a Title V Operating Permit.

h. ARM 17.8.1204(3). The Department may exempt a source from the requirements to obtain an air quality operating permit by establishing federally enforceable limitations which limit that source's PTE.

i. In applying for an exemption under this section the owner or operator of the facility shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.

ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

3. ARM 17.8.1207, Certification of Truth, Accuracy, and Completeness. The compliance certification submittal by ARM17.8.1204(3) shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inqiry, the statements and information in the document are true, accurate, and complete.

III. BACT Determination

A BACT determination is required for each new or altered source. MR shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized.

Asphalt Mixer

A BACT analysis was submitted by MR in permit application #4215-00, addressing available methods of controlling emissions from the drum mixer. The Department has reviewed these methods, as well as previous BACT determinations. The following control options have been reviewed by the Department in order to make the following BACT determinations.

- Fabric Filter Baghouse
- Electrostatic Precipitator
- Cyclone
- Wet Scrubber

All of the listed control technologies are deemed technically feasible for this application. Technically feasible control options, in order of the highest control efficiency to the lowest control efficiency based on PM_{10} control, are as follows:

1) Fabric Filter Baghouse (90 – 99+% efficient)
2) Electrostatic Precipitator (90 – 99+% efficient)
3) Wet Scrubber (70-95% efficient)
4) Wet Scrubber (<70% efficient)

MR has proposed to use a fabric filter baghouse for the control of PM_{10} from the displaced air from the asphalt plant. Because MR proposes to use a control technology that is equivalent to the highest control efficiency, no further economic analysis is needed. The control options selected contain control equipment comparable to other recently permitted similar sources and are capable of achieving the appropriate emission standards. All asphalt particulate emissions are limited to 0.04 grains per dry standard cubic foot (gr/dscf).

Further, MR must take reasonable precautions to limit the fugitive emissions of airborne particulate matter on haul roads, access roads, parking lots, and the general plant area. Reasonable precautions include treating all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary. Operating and maintaining a baghouse to meet the corresponding emission limitations in Section I.A of the permit and using water and/or chemical dust suppressant to comply with the reasonable precautions limitation will constitute BACT for the MR facility.

IV. Emission Inventory

Source*	**Tons/year (TPY)**					
	PM	PM_{10}	NO_x	CO	VOC	SO_x
Asphalt Plant Dryer	9.07	6.12	28.67	95.55	1.96	21.02
Asphalt Plant Loadout	0.48	0.31		1.24	3.83	
Asphalt Product Silo Filling	0.54	0.23		1.09	11.21	
Cold Aggregate Screens and Storage	19.87	12.14				
Cold Aggregate Handling/Conveyors	16.56	6.07				
Cold aggregate Storage Piles	3.04	1.44				
Haul Roads/Vehicle Traffic	12.68	3.60				
Total	**68.33**	**32.81**	**28.67**	**97.88**	**17.00**	**21.32**

ASPHALT PLANT DRYER

Operating Parameters:
Operating Hours: 2275 hr/yr (Permit Limit)
Plant Elevation: 3490 ft. (Application information)
Actual Pressure: 25.9 in. Hg
Standard Pressure: 29.92 in. Hg
Flowrate: 38,000 acfm (Company Information)
Std. Temp: 25 °C = 77 °F = 537 °R
Stack Temp. 149 °C = 300 °F = 760°R (Application Information)
Fractional Moisture Content: 0.15
Correction Equation: V1 = V2 (P2/P1) (T1/T2) (1-MC)

Corrected Flowrate 38000 acfm * (25.9 in. Hg / 29.92 in. Hg) * (537 R / 760 R)*(1-0.15) = 23260 dscfm

Process Rate: 210 ton/hr (Permit Limit)

PM Emissions
Emission Factor: 0.04 gr/dscf (BACT Determination)
Calculations: 0.04 gr/dscf * 23260 dscfm * 1 lb/7000 gr * 60 m/hr = 7.98 lb/hr
7.98 lb/hr * 2275 hr/yr * 0.0005 ton/lb = 9.07 ton/yr

PM_{10} Emissions
Emission Factor: 0.027 lb/ton (AP-42, Section 11.1, Table 11.1-1, Batch-mix, Fabric Filter Control, 3/04)
Calculations: 0.027 lb/ton * 210 ton/hr = 5.38 lb/hr
lb/hr * 2275 hr/yr * 0.0005 ton/lb = 6.12 ton/yr

NO_x Emissions
Emission Factor: 0.12 lb/ton (AP-42, Section 11.1, Table 11.1-5, Batch-mix, worst-case fuel excluding coal, 3/04)
Calculations: 0.12 lb/ton * 210 ton/hr = 25.20 lb/hr
25.20 lb/hr * 2275 hr/yr * 0.0005 ton/lb = 28.67 ton/yr

CO Emissions
Emission Factor: 0.40 lb/ton (AP-42, Section 11.1, Table 11.1-5, Batch-mix, worst-case fuel excluding coal, 3/04)
Calculations: 0.40 lb/ton * 210 ton/hr = 84.00 lb/hr
84.00 lb/hr * 2275 hr/yr * 0.0005 ton/lb = 95.55 ton/yr

VOC Emissions
Emission Factor: 0.008 lb/ton (AP-42, Section 11.1, Table 11.1-6, worst-case fuel, 3/04)

Calculations: 0.008 lb/ton * 210 ton/hr = 1.72 lb/hr
1.72 lb/hr * 2275 hr/yr * 0.0005 ton/lb = 1.96 ton/yr

SO_2 Emissions
Emission Factor: 0.088 lb/ton (AP-42, Section 11.1, Table 11.1-5, Batch-mix, worst-case fuel excluding coal, 3/04)
Calculations: 0.088 lb/ton * 210 ton/hr = 18.48 lb/hr
18.48 lb/hr * 2275 hr/yr * 0.0005 ton/lb = 21.02 ton/yr

BATCH-MIX PLANT LOAD-OUT

Operating Parameters:

Process Rate: 210 ton/hr (Applicant Information)
Hours of Operation: 8760 hr/yr (Annual capacity)

PM Emissions
Emission Factor: 0.00052 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04, see predictive equation at end of Inventory)
Calculations: 0.00052 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 0.48 ton/yr

PM_{10} Emissions
Emission Factor: 0.00034lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.00034 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 0.31 ton/yr

CO Emissions
Emission Factor: 0.00135 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04,)
Calculations: 0.00135 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 1.24 ton/yr

VOC Emissions (VOC = TOC)
Emission Factor: 0.00416 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.00416 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 3.83 ton/yr

ASPHALT PRODUCT SILO FILLING

Operating Parameters:

Process Rate: 210 ton/hr (Application Information)
Hours of Operation: 8760 hr/yr (Annual capacity)

PM Emissions

Emission Factor: 0.00059 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.00059 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 0.54 ton/yr

PM_{10} Emissions

Emission Factor: 0.00025lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.00025 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 0.23 ton/yr

CO Emissions

Emission Factor: 0.00118 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.00118 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 1.09 ton/yr

VOC Emissions (VOC = TOC)

Emission Factor: 0.01219 lb/ton (AP-42, Section 11.1, Table 11.1-14, 3/04)
Calculations: 0.01219 lb/ton * 210 ton/hr * 8760 hr/yr * 0.0005 ton/lb = 11.21 ton/yr

COLD AGGREGATE SCREENS AND STORAGE BINS

Operating Parameters:

Process Rate: 210 tons/hr (Application Information)
Number of Transfers: 4 Transfers (Assumed)
Hours of operation: 8760 hr/yr (Annual capacity)

PM Emissions

Emission Factor: 0.0036 lb/ton (AP-42, Section 11.19, Table 11.19.2-2, 8/04)
Calculations: 0.0036 lb/ton * 210 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 6 Transfers = 3.31 ton/yr

PM_{10} Emissions

Emission Factor: 0.0022 lb/ton (AP-42, Section 11.19, Table 11.19.2-2, 8/04)
Calculations: 0.0022 lb/ton * 100 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 4 Transfers = 2.02 ton/yr

COLD AGGREGATE HANDLING/CONVEYORS

Operating Parameters:

Process Rate: 210 tons/hr (Application Information)
Number of Transfers: 6 Transfers (Assumed)
Hours of operation: 8760 hr/yr (Annual capacity)

PM Emissions

Emission Factor: 0.003 lb/ton (AP-42, Section 11.19, Table 11.19.2-2, Conveyor Transfer, Controlled, 8/04)
Calculations: 0.003 lb/ton * 210 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 6 Transfers = 16.56 ton/yr

PM_{10} Emissions

Emission Factor: 0.0011 lb/ton (AP-42, Section 11.19, Table 11.19.2-2, Conveyor Transfer, Controlled, 8/04)
Calculations: 0.0011 lb/ton * 100 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 4 Transfers = 6.07 ton/yr

COLD AGGREGATE STORAGE PILES

Operating Parameters:

Process Rate: 210 tons/hr (Application Information)
Number of Transfers: 3 Piles (Assumed)
Hours of operation: 8760 hr/yr (Annual capacity)

PM Emissions

Emission Factor: 0.00331 lb/ton (AP-42, Section 13.2.4, Table 13.2.4.3)
Calculations: 0.00331 lb/ton * 210 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 3 Piles = 3.04 ton/yr

PM_{10} Emissions

Emission Factor: 0.00157 lb/ton (AP-42, Section 13.2.4, Table 13.2.4.3)
Calculations: 0.00157 lb/ton * 100 tons/hr * 8760 hr/yr * 0.0005 ton/lb * 4 Transfers = 1.44 ton/yr

HAUL ROADS/VEHICLE TRAFFIC

Operating Parameters:

Vehicle miles travelled: 5 VMT/day (Application Information
Days Per Year: 365 days/year

PM Emissions

Emission Factor: 4.44 lb/VMT (AP-42, Section 13.2.2, Controlled Emissions, 11/06)
Calculation: 4.44 lb/VMT * 5 VMT/day * 365 days/year * 0.0005 ton/lb = 4.05 ton/yr

PM_{10} Emissions

Emission Factor: 1.13 lb/VMT (AP-42, Section 13.2.2, Controlled Emissions, 11/06)
Calculation: 1.13 lb/VMT * 5 VMT/day * 365 days/year * 0.0005 ton/lb = 1.03 ton/yr

V. Air Quality Impacts

Permit #4215-00 is issued for the operation of a portable batch-mix asphalt plant to be initially located in the SW¼ of Section 30, Township 7 North, and Range 20 West, in Ravalli County, Montana. Permit #4215-00 will also cover the plant while operating at any location within Montana, excluding those counties that have a Department-approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain PM_{10} nonattainment areas. An Addendum to Permit #4215-00, including more stringent requirements to protect the non-attainment area, will be required for operating at locations in or within 10 km of certain PM_{10} nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana*. In the view of the Department, the amount of controlled emissions generated by this facility will not exceed any set ambient standard.

VI. Ambient Air Impact Analysis

Permit #4215-00 will cover the asphalt plant while operating at any location within Montana, excluding those counties that have a Department-approved permitting program and those locations in or within 10 km of certain PM_{10} nonattainment areas. The Department believes the amount of controlled emissions generated by this facility will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minor and short-lived.

VII. Taking or Damaging Implication Analysis

As required by 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
	X	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
	X	5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the pubic generally?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

VIII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
P.O. Box 200901, Helena, MT 59620
(406) 444-3490

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued To: MR Asphalt, Inc.

Air Quality Permit number: 4215-00

Preliminary Determination Issued: May 27, 2008
Department Decision Issued:
Permit Final:

1. *Legal Description of Site:* SW¼ of Section 30, Township 7 North, and Range 20 West, in Ravalli County, Montana

2. *Description of Project*: MR Asphalt, Inc (MR) owns and operates a portable batch-mix asphalt plant with a maximum production capacity of 210 tons per hour (TPH). The plant includes 4 cold fee hoppers a charge conveyor, an aggregate dryer; a bucket elevator, a batch tower, slat conveyor, storage silo, primary fines collector, baghouse and associated equipment. The proposed action is to issue a Montana Air Quality Permit #4215-00 allowing the construction and operation of the plant in Ravalli County, Montana.

3. *Objectives of Project*: The objective of construction and operation of the asphalt plant at this location is to provide material for support of construction projects in the area.

4. *Alternatives Considered*: In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit for the proposed asphalt plant. The no action alternative is to deny the proposed air quality permit disallowing construction and operation of the asphalt plant and would result in existing site conditions including the permitted gravel pit. However, the Department does not consider the "no-action" alternative to be appropriate because MR has demonstrated compliance with all applicable rules and regulations as required for air quality permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

5. *A Listing of Mitigation, Stipulations, and Other Controls*: A list of enforceable conditions, including a BACT analysis, would be included in Permit #4215-00.

6. *Regulatory Effects on Private Property*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The "no-action" alternative was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A	Terrestrial and Aquatic Life and Habitats			X			Yes
B	Water Quality, Quantity, and Distribution			X			Yes
C	Geology and Soil Quality, Stability and Moisture				X		Yes
D	Vegetation Cover, Quantity, and Quality			X			Yes
E	Aesthetics			X			Yes
F	Air Quality			X			Yes
G	Unique Endangered, Fragile, or Limited Environmental Resources				X		Yes
H	Demands on Environmental Resource of Water, Air and Energy			X			Yes
I	Historical and Archaeological Sites				X		Yes
J	Cumulative and Secondary Impacts			X			Yes

SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same area as the asphalt. The asphalt plant would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life and habitats would be expected as a result of new equipment operations or from pollutant deposition.

Impacts on aquatic life and habitats could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations) and only minor amounts of water would be used for pollution control. Since only a minor amount of air emissions would be generated from the proposed equipment, only minor deposition of air pollutants would occur. Therefore, only minor and temporary impacts to aquatic life and habitat would be expected from the proposed crushing/screening facility.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation and for pollution control for the proposed equipment operation. However, water use would only cause a minor disturbance to these areas, since only relatively small amounts of water would be needed. Only minor surface and groundwater quality impacts would be expected as a result of using water for dust suppression because only small amounts of water would be required to control air pollutant emissions and deposition of air pollutant emissions would be minor (as described in Section 7.F of this EA).

C. Geology and Soil Quality, Stability, and Moisture

The proposed asphalt plant would have only minor impacts on soils in any proposed site location because the facility would remain a relatively small industrial operation, would continue to use only relatively small amounts of water for pollution control, and would only have seasonal and intermittent operations. Therefore, any impacts from the proposed asphalt plant equipment to geology and soil quality, stability, and moisture at any proposed operational site would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the facility would be a minor source of emissions, by industrial standards, and would typically operate in areas previously designated and used for non-metallic mineral processing operations, impacts from the emissions from the asphalt plant would be minor and typical. As described in Section 7.F of this EA, the amount of air emissions generated from the facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because water use for pollution control would be minimal, as described in Section 8.B, and the associated soil disturbance from operations would be minimal, as described in Section 8.C, corresponding vegetative impacts would be minor.

E. Aesthetics

The proposed asphalt plant would be visible and would create additional noise while in operation. However, Permit #4215-00 would include conditions to control emissions, including visible emissions, from the proposed equipment. Also, because the asphalt plant would be portable and would operate on an intermittent and seasonal basis and would typically locate within a previously permitted open-cut pit, any visual and noise impacts would be minor and short-lived.

F. Air Quality

The air quality impacts from the asphalt plant would be minor because Permit #4215-00 would include conditions limiting the opacity from the proposed equipment, as well as requiring water spray bars and other means to control air pollution. Further, Permit #4215-00 would limit total emissions from the proposed equipment, and any additional equipment owned and operated by MR, to 250 tons/year or less at any given operating site, excluding fugitive emissions.

Further, the asphalt plant would be used on a temporary and intermittent basis and would typically operate within an area designated for such operations, thereby further reducing potential air quality impacts from the facility. Additionally, the small and intermittent amounts of deposition generated from the asphalt plant would be minimal because the pollutants emitted would be well controlled, widely dispersed (from such factors as wind speed and wind direction), and would result in only minor impacts to the surrounding environment. Overall, any air quality impacts resulting from the proposed asphalt plant would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

Emissions from the asphalt plant operation may impact unique, endangered, fragile, or limited environmental resources located in a given proposed project area. However, as

detailed in Section V of the permit analysis, any emissions and resulting impacts from the project would be minor due to the low concentration of those pollutants emitted.

Permit #4215-00 would regulate the proposed asphalt plant while located at various locations throughout the state. Most operations would take place within existing and previously disturbed industrial gravel pits thereby resulting in only minor impacts to the industrial area. Further, given the temporary and portable nature of the operations, any impacts would be minor and short-lived. In addition, operational conditions and limitations in Permit #4215-00 would be protective of these resources by limiting overall impacts to the surrounding environment.

H. Demands on Environmental Resources of Water, Air, and Energy

Due to the relatively small size of the facility, the asphalt plant would result in only minor demands on the environmental resources of water, air, and energy for normal operations. Small quantities of water would be used for dust suppression and would control particulate emissions generated through equipment operations and vehicle traffic at the site. Energy requirements would be accommodated through the operation of the proposed diesel-fired generator and would be minor due to the relatively small amount of fuel required to operate the generator. In addition, the asphalt plant would operate on an intermittent and seasonal basis thereby minimizing energy demands. Further, impacts to air resources from the new equipment would be minor because the source would remain small by industrial standards, would operate on an intermittent and seasonal basis, and would generate relatively minor amounts of regulated pollutants through normal operations.

I. Historical and Archaeological Sites

Typically, the asphalt plant would operate within a previously disturbed open-cut pit used for such purposes. According to past correspondence from the Montana Historical Society, State Historic Preservation Office (SHPO), there would be a low likelihood of disturbance to any known archaeological or historical site given any previous industrial disturbance in any given area of operation. Therefore, it is unlikely that the proposed asphalt plant would impact any historical or archaeological sites in a given area of operation.

J. Cumulative and Secondary Impacts

The proposed asphalt plant would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment of a given proposed area of operation because the proposed equipment would generate emissions of regulated air pollutants and noise would be generated from equipment operations. Emissions and noise would cause minor disturbance to a given area because the equipment is relatively small by industrial standards and the facility would be expected to operate in areas designated and typically used for such operations. Additionally, this facility, in combination with the other emissions from equipment operations at the operational site, would not be permitted to exceed 250 tons per year of non-fugitive emissions.

Overall, any cumulative or secondary impacts to the above-cited physical and biological resource of the human environment of any given project area would be minor because the proposed asphalt plant would typically operate within areas designated for such operations. Therefore, the overall industrial nature of the area would not change as a result of the proposed project and any associated impacts would be minor.

8. The following table summarizes the potential economic and social effects of the proposed project on the human environment. The "no-action" alternative was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A	Social Structures and Mores				X		Yes
B	Cultural Uniqueness and Diversity				X		Yes
C	Local and State Tax Base and Tax Revenue			X			Yes
D	Agricultural or Industrial Production			X			Yes
E	Human Health			X			Yes
F	Access to and Quality of Recreational and Wilderness Activities			X			Yes
G	Quantity and Distribution of Employment				X		Yes
H	Distribution of Population				X		Yes
I	Demands for Government Services			X			Yes
J	Industrial and Commercial Activity			X			Yes
K	Locally Adopted Environmental Plans and Goals			X			Yes
L	Cumulative and Secondary Impacts			X			Yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores:
B. Cultural Uniqueness and Diversity:

The asphalt plant operation would cause no disruption to the above-cited economic and social resources or cultural uniqueness and diversity of the human environment in any given area of operation because the source would be a minor industrial source of emissions, would initially and typically operate in an existing industrial site used for such purposes, and would operate on a temporary basis. The predominant use of the surrounding area would not change as a result of the proposed project.

C. Local and State Tax Base and Tax Revenue:

The asphalt plant operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a minor industrial source and would conduct only seasonal and intermittent operations. The facility would require the use of only a few employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production:

Previous MEPA analysis for gravel pit construction permitted concluded potential impacts to agricultural or industrial production would be minor and temporary. As no additional land disturbance is proposed by this action no impacts to agricultural production are expected. Minor impacts to industrial production are expected as the facility described in the proposed action produces a construction material. However, the proposed operation remains relatively small by industrial standards. Overall, potential impacts to agricultural and industrial production are expected to be minor.

E. Human Health:

Permit #4215-00 would include limits and conditions to ensure that the asphalt plant facility would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health.

F. Access to and Quality of Recreational and Wilderness Activities:

Noise from the facility would be minor because the asphalt plant operation would be small by industrial standards and would initially and typically operate in areas used for such operations. As a result, the amount of noise generated from the asphalt plant operation would be minimal for the area. Therefore, any impacts to the quality of recreational and wilderness activities created by the proposed project would be expected to be minor and short-lived. Similarly, the asphalt plant operation would initially and typically operate within areas designated for such operations; therefore, impacts to access to recreational and wilderness areas are expected to be minor or insignificant. Overall potential impacts to access to and quality of recreational and wilderness activities are expected to be minor.

G. Quantity and Distribution of Employment:
H. Distribution of Population:

The proposed asphalt plant operation would require only a few employees to operate thereby resulting in little, if any, permanent immigration into or emigration out of a given area. Therefore, the proposed project would not impact the above-cited economic and social resources of the human environment at the initially proposed or any other given operating site.

I. Demands for Government Services:

Minor increases would be seen in traffic on existing roadways in the area while the asphalt plant operation is in progress. In addition, government services would be required for acquiring the appropriate permits for the proposed project and to verify compliance with the permits that would be issued. Overall, any demands for government services would be minor.

J. Industrial and Commercial Activity:

The asphalt plant operation would represent only a minor increase in the industrial activity in the proposed initial or any future area of operation because the source would be a relatively small industrial source that would be portable and temporary in nature. Very little, if any, additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals:

The Department is not aware of any locally adopted environmental plans or goals in the initial area of operation or any future operating site since Permit #4073-00 would allow for operations at various unknown locations throughout the state. However, if the plant moved to an area classified as non-attainment for PM_{10}, the operation would be required to apply for and receive an addendum to Permit #4215-00 prior to operation at the site. The addendum would include more restrictive requirements to protect the non-attainment area from further degradation. The state standards would be protective of any proposed area of operation.

L. Cumulative and Secondary Impacts:

The asphalt plant operations as proposed at its initial location in conjunction with other pending permitting actions as described in Section 7.J. would cause minor cumulative and secondary impacts

to the social and economic aspects of the human environment in the immediate area of operation because the combined operations are relatively small by industrial standards.

The source would be a portable and temporary source. Few, if any, other industrial operations would be expected to result from the permitting and operation of this facility. Minor increases in traffic would have minor effects on local traffic in the immediate area. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility.

Overall, the proposed asphalt plant operation would result in only minor and temporary secondary and cumulative impacts to the social and economic aspects of the human environment of the initially proposed and any future operating site.

Recommendation: No EIS is required. Permit #4215-00 includes conditions and limitations to ensure the facility will operate in compliance with all applicable air quality rules and regulations. In addition, all impacts associated with the proposed action are expected to be insignificant or minor.

Other groups or agencies contacted or which may have overlapping jurisdiction: Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

Individuals or groups contributing to this EA: Department of Environmental Quality – Air Resources Management Bureau, Industrial and Energy Minerals Bureau; Montana Historical Society – State Historic Preservation Office; Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Julie Merkel
Date: 04/30/08